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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:4866 of 2000

DATED: 04-07-2006

Between:

Khaja Subhanuddin Ahmed

..... PETITIONER

AND

1. The Presiding Officer, Industrial Tribunal-cum-Labour Court, Warangal and 3 others

.....RESPONDENTS

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ORDER: (per BPR,J)

Heard both sides and at their request the main writ petition itself is taken up for disposal.

In this writ petition the petitioner herein seeks writ of mandamus seeking to assail the orders of the tribunal in O.A.No.428 of 1995 with M.A.No.2454 of 1998 dated 06-10-1999 on the file of the A.P. Administrative Tribunal, Hyderabad, rejecting his application filed under Section 19 of the Administrative Tribunals

Act, 1985.

Heard the learned counsel on either side and also perused the material on record. Though several contentions are sought to be urged, the main submission made on behalf of the petitioner is to the effect that the impugned order in the original application, filed before the tribunal, violates the presidential order and the same has not been considered nor there is any finding much less the reasons in support thereof. Hence, on the face of it, the very impugned action is totally vitiated and is liable to be set aside.

We have given due consideration to the aforesaid plea raised on behalf of the petitioner apart from other aspects. However, we are not going into the merits at this juncture, since we do not find any finding or observation as to the effect of the presidential order on the impugned action of the respondent herein. Having regard to the nature of substantial claim, we deem it more appropriate that the matter has to be reconsidered afresh on merits.

The writ petition is accordingly allowed. The order in O.A.No.428 of 1995 with M.A.No.2454 of 1998 dated 06-10-1999 is set aside and the matter is remitted to A.P. Administrative tribunal for fresh disposal on merits in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

During the course of arguments, the learned counsel for the petitioner submits that having regard to the pendency of these

proceedings, his case for promotion has not been considered.

Having regard to the said submission, the petitioner is at liberty to make appropriate application thereof before the tribunal and the same shall be considered by the by the tribunal.

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04th July, 2006

NOTE:
Furnish C.C. within one week.
SKM